

PATENT  
Attorney Docket No. 101.0056-16000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: ) Confirmation No.: 4856  
Gary K. Michelson )  
Serial No.: 10/664,776 ) Group Art Unit: 3733  
Filed: September 17, 2003 ) Examiner: Annette R. Reimers  
For: SINGLE-LOCK ANTERIOR )  
CERVICAL PLATE AND METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

The present application is a continuation of Application No. 10/253,678, filed September 24, 2002 (now U.S. Patent No. 6,916,320); which is a divisional of Application No. 09/754,733, filed January 4, 2001 (now U.S. Patent No. 6,454,771); which is a continuation of Application No. 09/022,293, filed February 11, 1998 (now U.S. Patent No. 6,193,721).

Applicant brings to the Examiner's attention that the '320 patent, U.S. Patent No. 6,428,542 (a divisional of the '721 patent), and U.S. Patent No. 6,592,586 (a divisional of the '721 patent) are the subject of litigation in the United States District Court for the District of New Jersey, Civil Action No. 2:06-CV-00490 (DMC), hereinafter referred to as Litigation 1 ("Lit. 1").

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 4, 2006

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OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0056-16000		Customer No. 22882		
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		Applicant Gary K. Michelson		Application Number 10/664,776		
(Use several sheets if necessary)  Sheet <u>1</u> of <u>1</u>		Filing Date September 17, 2003		Group Art Unit 3733	Examiner A. Reimers	
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	FILING DATE IF APPROPRIATE	
Lit. 1	6,428,542	8/2002	Michelson			
Lit. 1	6,592,586	7/2003	Michelson			
Lit. 1	6,916,320	7/2005	Michelson			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						